

**TOWN COUNCIL
REGULAR MEETING
JANUARY 20, 1999**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:06 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

3.1 Broward County School Board (Nova-Davie Zone Night)

A representative was unable to be present.

3.2 Wings of Gold Motorcycle Club

Mayor Venis presented Bob Amchir with a Certificate of Appreciation for the Club's donation to the EASE Foundation. Mr. Amchir advised that the Club had donated money and toys and he indicated that the Club would double the efforts next year along with donating to the Police Athletic League.

3.3 Norman Buskin, Code Compliance Supervisor (Retirement)

Mayor Venis presented Mr. Buskin with a plaque for his 17 years of service. Mr. Buskin indicated that he had mixed emotions in retiring and would miss his co-workers.

3.4 Richard Boyhan, Information Systems Specialist - Ten Years

Mayor Venis presented Mr. Boyhan with a service award.

3.5 Kevin Moore, Plant Operator II - Ten Years

Mayor Venis presented Mr. Boyhan with a service award.

3.6 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: 5 Star Monthly Professional Rodeo Series (January 22nd - 23rd); Cowboy Cow Pasture Golf Classic (January 29th); Valentines Day Craft Show (February 13th - 14th); Kick-off for Westfair and Orange Blossom Festival Parade (February 27th); and the Waterway Cleanup (March 20th).

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: Elvis concert (February 12th); renewal of wedding vows at Robbins Lodge (February 14th); and registration for youth baseball and girls softball programs (remaining two weeks).

Mayor Venis announced that item 9.1 was being withdrawn as it had been replaced with item 8.4.

Mayor Venis announced that item 9.4 needed to be tabled to March 3, 1999.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to table. Vice-Mayor Cox stated that this would be the third time this item was tabled and it had been Council's policy not to keep making residents come back. Mayor Venis advised that Mr. Rawls would be discussing this item later in the meeting. In a roll call vote, the vote was as

follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

Mayor Venis announced that items 9.6, 9.7 and 9.8 had been withdrawn.

Mayor Venis announced that item 9.10 needed to be tabled to February 17, 1999.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table to February 17, 1999. In a roll

call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 9.9 and 9.11 needed to be tabled to February 3, 1999.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that item 9.12 had been withdrawn and an item would be added to the agenda as 8.4.

4. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

INSTALLATION DINNERS. Councilmember Weiner apologized for not attending the Davie Merchants and Industrial Association installation dinner. He indicated that he had attended the Davie/Cooper City Chamber of Commerce's installation dinner and congratulated the new officers.

EMS REPORT. Councilmember Weiner stated that he would like to hear a status report from Dr. Nelson at the next meeting on the Town's EMS services.

SAFETY. Councilmember Weiner stated that he would like to see the Open Space Advisory Committee address other ways of making horse riding safer along with the equestrian helmets. He asked Mr. Webber to look into ways of making the Town's medians safer and discussed individuals collecting money in the streets.

VICE-MAYOR COX

COWBOY GOLF CLASSIC. Vice-Mayor Cox invited everyone to participate in the Cowboy Golf Classic on January 30th which she discussed.

STRONG MAYOR ISSUE. Vice-Mayor Cox stated that at the last meeting, a slim majority of Council had "thwarted" the effort to ramrod the strong mayor issue onto the March ballot. She discussed Councilmember Weiner's comments in the Davie Update regarding Council's denial of the strong elected mayor issue and indicated that she did not care for a "little snot nosed whippersnap" to put words in her mouth. Vice-Mayor Cox stated that her reasoning for voting against this issue was the rapidity of which the issue appeared on the agenda in final form and the fact that emergency meetings had to be scheduled to make certain the issue was placed on the March ballot. She said that public input would be stifled and only a small number of people would be voting on the issue. Vice-Mayor Cox stated that Councilmember Weiner previously had indicated that he wanted to change municipal elections from March to November so that more people would vote; however, in this case, Councilmember Weiner wanted to "jam through" a fundamental change in the way the Town was run so that only a few people would make the decision. Vice-Mayor Cox advised that it was funny how Councilmember Weiner "liked to shape the rules to suit his purposes" and referred to the lobbyist ordinance applying to everyone but "he and his attorney friends". She said that the majority of Council in this case was smart enough to see through it to "smell the rat" and vote not to put the issue on the March ballot. Vice-Mayor Cox added that the public commentary at the meeting "smelled the same rat" and thought the public was beginning to see through the attempts by certain elements of the Town to manipulate them. She said that the departure of executive staff and the unions efforts to get rid of the Fire Chief and Deputy Fire Chief should be cause for concern. Vice-Mayor Cox stated that the public needed to look at what was happening because if not, corruption would be allowed to happen.

Vice-Mayor Cox stated that during Councilmember Weiner's campaign, he and his friends complained that the Davie Update was used for political purposes; however, it appeared that the non-political message rule applied to everyone but him again. She said that Councilmember Weiner's comments in this month's Update was the most politically, incendiary message she had seen. Vice-Mayor Cox proposed that the Councilmember and Mayor's comments in the Update be removed and indicated that as Mr. Rawls wrote the Mayor's comments, he deserved the credit.

NON-INTERFERENCE. Vice-Mayor Cox advised staff that if they heard any rumor that she was after anyone's job, she hoped that they would "track that rumor down" and ask her. She said that she had no one's job on the line and she did not interfere with staffing in the Town.

COUNCILMEMBER PAUL

FRIEND. Councilmember Paul advised that Jack from the Wings of Gold had recently passed away.

TOUR. Councilmember Paul stated that she had toured the Grand Oaks (formerly Rolling Hills) golf course which was magnificent. She advised that she was impressed with the number of birds and added that the area was becoming a habitat for birds and wild animals.

APPOINTMENT. Councilmember Paul announced that she had been selected for the Board of Directors for the Partners in Education which she explained.

THEATER GROUP. Councilmember Paul mentioned that the University Center for the Performing Arts was a theater group within the Town and indicated that she was interested in the Town's developing a theater/arts program.

TOWN ADMINISTRATOR SEARCH. Councilmember Paul asked Mr. Rawls to provide a status report on the Town Administrator search. She indicated that one of her recommendations was that the Town Administrator have mediation skills.

GARBAGE RATES. Councilmember Paul stated that in researching the increase in the garbage rates, staff found an error and each household would receive a 24¢ refund.

HORSE CROSSING SIGNS. Councilmember Paul asked what happened to the horse crossing signs that use to be on Griffin Road and asked that a report be given at the next meeting. She stated that she would like to start identifying major intersections that the Town would be marking.

RANDOM ACTS OF KINDNESS. Councilmember Paul stated that the Town was moving forward with the Random Acts of Kindness program. She indicated that she wanted to recognize a crane operator who waited for children on horses to cross the bridge before continuing his work.

COUNCILMEMBER BUSH

Councilmember Bush had nothing to bring before Council.

MAYOR VENIS

BRIDGE PROJECT. Mayor Venis asked Mr. Rawls to schedule a meeting with the Department of Transportation, Cooper City Mayor Suellen Fardelman and himself to discuss the Griffin Road bridge project.

WELCOME PACKAGE. Mayor Venis asked for an update on the Welcome Package. Mr. Rawls stated that staff was seeking a contract for printed documents to incorporate into the package for new residents. He indicated that staff was also looking at a concept where there would be no cost to the Town.

SPEED HUMPS. Mayor Venis asked for an update on the speed humps in the Ivanhoe area. Mr. Rawls advised that the speed humps which had been identified had been installed and the Police Department would be providing a follow up to the speed problem.

TREES. Mayor Venis questioned the status on the trees in the Waterford patio home area. Mr. Rawls responded that some residents thought the malelucca trees were screen and noise buffers. He stated that staff was working on alternatives with the State of Florida and the State seemed receptive to some type of project funding. Mr. Rawls indicated that a plan would be returned to the community.

WATER. Mayor Venis stated that the water survey had been completed and would be sent to residents who were serviced by the City of Sunrise. He indicated that responses were needed as soon as possible. Mayor Venis advised that the Town would be meeting with State representatives to discuss the surcharge issue.

GRAND OPENING. Mayor Venis congratulated the Broadway Bistro on their grand opening and recommended that the residents visit the restaurant.

GOLF COURSE. Mayor Venis stated that he also had toured the Grand Oaks golf course which was anticipated to be open in March.

NEW OFFICERS. Mayor Venis congratulated the Davie Merchants and Industrial Association's new officers. He thanked the Association for asking him to swear in the incoming officers.

HOME DEPOT. Mayor Venis stated that he and Mr. Rawls met with residents from Nova Hills North Condominiums and Nova Villas regarding the entrance of the Home Depot shopping center onto Nova Drive. He stated that the Town was working with Broward County to correct a dangerous situation on the median. Mayor Venis indicated that other issues at the Home Depot were also being looked into along with the car show. Mr. Rawls stated that he had spoken to representatives from Home Depot regarding the hot dog cart and indicated that the petitioner had agreed to table the issue for 30 days for the matter to be resolved. He stated that staff would be following up with Home Depot on the other issues that the residents had which included outside storage.

DAVIE UPDATE. Mayor Venis thanked Mr. Rawls for his help on writing his article in the Davie Update.

5. TOWN ADMINISTRATOR'S COMMENTS

TOWN ADMINISTRATOR SEARCH. Mr. Rawls stated that the Town Administrator profile developed at Council's direction had been provided to Mr. Mercer and the advertisements would be published this week. He advised that Mr. Mercer had been asked for a formal status report with a timeline prior to the next meeting.

PROJECT. Mr. Rawls stated that a meeting was held with representatives from the State, staff and Everglades Mobile Home Park and reported that significant progress had been made. He advised that the environmental and cultural review had passed the State's scrutiny and no cultural elements had been found on the site. Mr. Rawls indicated that deeds would be provided to Council approval within the next 30 days.

Mr. Rawls stated that Council had given staff direction to advance the design of the project which had been completed and Broward County had asked that the Town expand its involvement to design the traffic signal and to manage through a joint project agreement with the State and County. He recommended that a relationship be entered into and have the Town facilitate the construction. There were no objections noted from Council.

EXECUTIVE EMPLOYEE SELECTION. Councilmember Weiner requested an update on the search for a Police Chief and Development Services Director. Mr. Rawls advised that the Screening Committee for the Chief of Police had met and were working on reducing the list to a short list. He advised that he expected to begin interviews for the Development Services Director next week and he hoped to have an individual begin by April.

6. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Webber advised that a new litigation was received on an Unsafe Structures Board matter which he explained. He also provided an update on pending cases.

SITE PLAN CHANGES. Mayor Venis questioned the status of the policy regarding site plan changes. Mr. Webber advised that he would have to check on this issue and would report back at the next meeting.

7. CONSENT AGENDA

Minutes

7.1 December 9, 1998 - Special Meeting

7.2 December 16, 1998 - Regular Meeting

Parade Permit

7.3 Hawkes Bluff Elementary School (February 18, 1999)

Proclamation

7.4 SWIMS (Safe Water Instruction Means Safety; Town endorsement)

Resolutions

7.5 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-21 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN BOYS AND GIRLS CLUB OF BROWARD COUNTY AND THE TOWN OF DAVIE. (February 27 - 28, 1999; extension of Westfair activities; waiver of fee)

7.6 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-22 EXTENDING THE BID FOR PHOTOGRAPHIC FILM DEVELOPING. (L.F.D. Photography)

7.7 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-23 EXTENDING THE BID FOR BERGERON RODEO GROUNDS PREPARATION. (Five Star Rodeo, Inc.)

7.8 **RODEO GROUNDS RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-24 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH HOWARD FOSTER FOR THE RENTAL OF THE BERGERON RODEO GROUNDS. (Custom Car, Truck, Bicycle and Stereo Show - January 31, 1999; rental fee - \$1,000)

7.9 GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, R-99-25 FLORIDA, AUTHORIZING THE APPLICATION FOR FLORIDA GREENWAYS AND TRAILS SEED GRANT FROM THE STATE OF FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

7.10 FIRE RESCUE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-26 RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; CONFIRMING THE IMPOSITION OF FIRE RESCUE ASSESSMENTS AGAINST THE PARCELS OF PROPERTY LOCATED WITHIN THE TOWN OF DAVIE WHICH WERE EITHER OMITTED FROM THE ASSESSMENT ROLL OR NOT LISTED ON THE TAX ROLL AS OF THE EFFECTIVE DATE OF THE ASSESSMENT ROLL; APPROVING A SUPPLEMENTAL ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

7.11 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-27 AUTHORIZING THE MAYOR TO EXECUTE A LOCAL JOINT POWERS AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE PROVIDING FOR COOPERATIVE EXCHANGE OF FIRE RESCUE SERVICES; AND PROVIDING AN EFFECTIVE DATE.

7.12 LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE, R-99-28 FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.

Councilmember Paul asked that items 7.4 and 7.11 be removed from the Consent Agenda. Councilmember Weiner asked that item 7.10 be removed.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve the Consent Agenda without items 7.4, 7.10 and 7.11. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.4 Councilmember Paul congratulated staff on preparing the proclamation and indicated that it was important for the Town to become involved with children's safety.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.10 Councilmember Weiner questioned if the language could be changed to accommodate additional properties without having to return to Council each time properties were annexed. Mr. Webber responded that he did not believe it could be done but would research the issue. Mr. Rawls advised that language could be included in future annexation bills.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.11 Councilmember Paul asked for a report on this issue which was provided by Mr. Rawls. He explained that the agreement was for 18 months with extensions of one year periods with the mutual agreement of the parties. Fire Chief Michael Donati explained the response procedure.

Vice-Mayor Cox questioned employee seniority and benefits. Chief Donati advised that the Town would be continuing payroll and employee benefits and indicated that the County would be providing equipment and manpower to staff Station 68. Vice-Mayor Cox questioned if the County would be providing adequate equipment for fire suppression in Pine Island Ridge. Chief Donati indicated that the Town would not be selling its platform truck and it was possible that the platform truck would be stationed at the Nob Hill Road station.

Councilmember Paul questioned if the new County Fire Chief was in agreement with this matter. Chief Donati

advised that Chief Lorenzo had not indicated any disagreement with Mr. Rawls adding that this agreement had the full support of the County Administrator. Councilmember Paul questioned if the agreement allowed for freedom of movement within the Town. Chief Donati responded affirmatively. Councilmember Paul questioned if the County would have backup equipment with Mr. Rawls responding affirmatively. Councilmember Paul questioned if the equipment could be moved if the Town decided to renew the agreement or if changes were made in the next 18 months. Mr. Rawls explained that the agreement allowed the Town to drop out of the agreement with six months notice and there was a mechanism to allow the chiefs to mutually develop different protocols and responses. He added that the mechanism also allowed the chiefs to amend the response zones and to make changes to "tweak" the system.

Vice-Mayor Cox questioned if the County provided units on the west side with Chief Buchart responding that there were two stations and there was a transport unit in Cooper City as it was an MSBU partner with the county. He indicated that there was also a transport unit on Flamingo Road south of Griffin Road that would be relocated to Station 68.

Councilmember Weiner indicated that the Attorney General's Office had indicated that he did not have a conflict which precluded him from participating in the discussion; however, the Office had recommended that another opinion be sought before voting on the formal the agreement. He stated that as this agreement had not been received until Friday, he had not had the opportunity to seek an opinion and was, therefore, abstaining from voting.

Councilmember Weiner questioned if the Town would be receiving the transport revenues from the Pine Island Ridge area with Mr. Rawls replying in the affirmative. Mr. Rawls explained that the responding unit would receive the revenues and "they" would bill for those charges. Councilmember Weiner asked if the trailer would be available should the Town decide to provide an additional squad in the Shenandoah area or on the east side. Chief Buchart replied affirmatively but indicated that the brand new modular structure in Rexmere Village would be available to be relocated.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - abstained. (Motion carried 4-0)

8. PUBLIC COMMENTS

Mayor Venis advised that a public hearing on these items would be held on February 3, 1999.

Ordinances - First Reading (Public Hearing to be held February 3, 1999)

8.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-5 (MOBILE HOME RESIDENTIAL) TO A-1 (AGRICULTURAL DISTRICT); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-4-98, 4800 SW 76 Avenue)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.2 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF 12 FOOT DRAINAGE EASEMENT LOCATED WITHIN THE STIRLING-DYKES PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 10-1-98, 15898 Stirling Road)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote

was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.3 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-388 OF THE TOWN CODE BY AMENDING SUBSECTION (A)(1) CONCERNING FRONT SETBACKS, SUBSECTION (C) CONCERNING COVERED BOARDWALKS, AND ADDING A NEW SUBSECTION (J) CONCERNING MINIMUM FRONT WALL HEIGHT IN THE WESTERN THEME DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Glenn Irwin, Redevelopment Administrator, explained the ordinance.

Vice-Mayor Cox questioned if loan subsidy was money available for individuals who wanted to make improvements to offset the application fee. Mr. Irwin responded in the affirmative.

Councilmember Paul questioned if the 30 foot buffer on Griffin Road was to be an option. Mr. Irwin responded that the intent was to have this as an option for existing buildings. Councilmember Paul questioned how the "10 foot piece" would allow for landscaping. Mr. Irwin indicated that this would only be applicable on the Griffin Road corridor.

Tom Truex, 4740 SW 72 Avenue, was opposed to the proposed ordinance as there was not enough information on the cost and more research was needed.

Sam Engel, Jr., 4800 SW 64 Avenue, discussed adding stories to a building.

Michele Mellgren, representing the owner of Armadillo Shopping Center, distributed a drawing and discussed the concerns of the owner which included the reduced parking, the 30 foot buffer and not being able to obtain a variance. She asked that the Griffin Road properties be exempted from the setback requirements because of the great differential and the hardships that would be caused by the loss of parking. Mr. Irwin indicated that each case would be looked at individually and there may not be any relief. He said that one way to solve the situation would be to remove the requirement of the front covered boardwalk abutting the bufferyard and allow the building to be moved further back. Mr. Irwin stated that he did not have a concern with moving the building back; however, the issue would be the consistency of the bufferyard because of the Griffin Road corridor study.

Mayor Venis questioned if the item should be tabled so that changes could be made. Mr. Irwin stated that he could work with the applicants in removing the required boardwalk abutting the bufferyard. He indicated that another area of concern was the expense of bringing the building elevation up to the roadway. Mr. Irwin advised that this area could also be revisited with discussion following on the variance.

James Klaudfelter, 4614 SW 64 Avenue, stated that it was his understanding that the only solution to the problem was to exempt the properties from "this particular section" of the ordinance.

Mayor Venis questioned if this request would be a substantial change. Mr. Webber indicated that if eliminating the one requirement for the location of the bufferyard was the only change, this change would not be considered substantial. However, he thought that additional changes would need to be made which would be substantial and suggested that the ordinance be tabled. Discussion followed.

Mayor Venis closed the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to table to the next Council meeting [February 3, 1999]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Weiner made a motion, seconded by Councilmember Paul, to add item 8.4. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Ordinance - First Reading (Public hearing to be held on February 3, 1999)

8.4 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 12-40, ENTITLED "NON-CONFORMING USES OF BUILDINGS, STRUCTURES AND PREMISES" BY ADDING THERETO SUBSECTION 12-40(6); PROVIDING FOR RECONSTRUCTION IN CERTAIN CASES OF NON-CONFORMING MULTI-FAMILY RESIDENTIAL

PREMISES OF NO LESS THAN 10 ACRES IN SIZE; PROVIDING CONDITIONS FOR RECONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 12-40, ENTITLED "NON-CONFORMING USES OF BUILDINGS, STRUCTURES AND PREMISES" BY ADDING THERETO SUBSECTION 12-40(6); PROVIDING FOR RECONSTRUCTION IN CERTAIN CASES OF NON-CONFORMING MULTI-FAMILY RESIDENTIAL PREMISES OF NO LESS THAN 10 ACRES IN SIZE; PROVIDING CONDITIONS FOR RECONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from January 6, 1999)

This item was withdrawn.

9.2 WARRANTY DEED - AN ORDINANCE OF THE TOWN OF DAVIE, 99-2 FLORIDA, ACCEPTING A WARRANTY DEED FROM BIENVENIDO D. AND ELISSA MARIE PACHECO, JR., CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (2295 SW 145 Avenue) Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - out of room; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

9.3 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, 99-3 FLORIDA, AMENDING THE TOWN CODE BY AMENDING ARTICLE IV ENTITLED "DOGS", BY CHANGING DEFINITIONS AND ADDING NEW DEFINITIONS; AMENDING PROVISIONS REGARDING LICENSE AND RABIES VACCINATIONS; AMENDING PROVISIONS REGARDING VICIOUS DOGS; ADDING A PROVISION REGARDING LEASHING OF DOGS; ADDING A PROVISION REGARDING BARKING DOGS AND DAMAGE TO PROPERTY; ADDING A PROVISION REGARDING THE OWNER'S DUTY WHEN DOG BITES A HUMAN OR IS BITTEN BY ANOTHER ANIMAL; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Kathy Stone, 5004 South University Drive, agreed with the ordinance and asked that the use of electronic dog collars be added. Mr. Webber explained that the ordinance did not provide that the dog had to be on a leash but under the owner's control. Councilmember Weiner questioned if Council could pass the ordinance with the understanding that dogs under the control of an electronic collar were deemed to be under the physical presence of the owner. He indicated that this would provide a legislative history.

Ms. Stone indicated that the definition of a vicious dog mentioned a vicious dog approaching a human but it did not mention approaching another dog. Councilmember Weiner questioned if the ordinance could be amended to include this issue. Mr. Webber advised that this amendment would be a substantial change which would need to be advertised. After a brief discussion, Councilmember Weiner suggested that this ordinance be approved to place

a law on the books and then return with an amendment.

Mayor Venis closed the public hearing portion of the meeting.

Vice-Mayor Cox questioned if Council thought the penalty of \$250 plus court costs for a first conviction was too much. Councilmember Paul stated that she had a problem with the penalty for owners whose dogs periodically escaped from their yard. Mr. Webber indicated that the penalty was more than for a dog escaping and indicated that under the current ordinance, the Town had the burden of proving that an owner allowed their dog to run loose. He stated that this ordinance placed the responsibility on the owner to keep their dog under control, however, there were circumstances that an dog would escape despite the prudent action of the owner. Mr. Webber added that this ordinance was generally enforced when the dog was a problem. Councilmember Weiner questioned if Section 4-68(A)(2) could be changed to allow it to be the court's discretion to impose a fine. Mr. Webber added that the fine could also be lowered which would allow a judge a wider range of a fine.

Mayor Venis questioned if a police officer had the discretion to issue a warning citation with Mr. Webber responding that he thought so. Mr. Webber added that he did not think the officer was required to serve a notice to appear.

Councilmember Paul questioned if the fine could be noted as "up to" which would provide for a fine anywhere in the range with Mr. Webber responded affirmatively. Councilmember Paul indicated that a first offense could be defined as up to \$250. Mr. Webber stated that the wording of "not less than \$250" could be changed to "not more than \$250". Councilmember Weiner suggested that the wording be changed to indicate that the courts may impose a fine which would allow the courts discretion.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve with the suggested amendments to Section 4-68(A)(2). In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Quasi Judicial Items

9.4 SPECIAL PERMIT - SE 8-2-98, Pellerito/Home Depot, 2300 South University Drive (B-3) (to permit an outside food vendor adjacent to the store entrance) (tabled from January 6, 1999) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report and a mandatory review in one year by the Board and Council*

This item was tabled earlier in the meeting.

Resolution

9.5 CABLE FRANCHISE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE, A FRANCHISE AGREEMENT TO PROVIDE CABLE SERVICES BETWEEN THE TOWN OF DAVIE, FLORIDA AND COMCAST CABLEVISION OF BROWARD COUNTY, INC.; AND PROVIDING AN EFFECTIVE DATE. (tabled from December 16, 1998)

Will Allen, Programs Manager, requested a tabling to February 17, 1999.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to February 17, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Cindy Stoddard, representing ComCast, discussed the problems that had been encountered with the installation of new software equipment. She thanked the residents and Town staff for their support and understanding during this difficult time.

Items to be withdrawn or tabled

THIS ITEM WAS WITHDRAWN BY STAFF

9.6 PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PLAN AMENDMENT LA(TXT)-99-1A, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING PROVISIONS GOVERNING SPECIAL RESIDENTIAL FACILITIES AND COMMUNITY FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 1, 1998)

This item was withdrawn.

THIS ITEM WAS WITHDRAWN BY STAFF

9.7 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT ZB(TXT)-10-3-98, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES," SUBSECTIONS (A) "RESIDENTIAL DISTRICTS," (B) "COMMERCIAL, OFFICE AND BUSINESS DISTRICTS," AND (D) "RECREATIONAL, COMMUNITY FACILITIES AND UTILITIES DISTRICTS" TO ELIMINATE EXISTING CLASSIFICATIONS OF PERMITTED, CONDITIONALLY PERMITTED AND PROHIBITED RESIDENTIAL FACILITIES FOR POPULATIONS REQUIRING SPECIAL CARE AND/OR SUPERVISION, AND TO PROMULGATE NEW PERMITTED, CONDITIONALLY PERMITTED AND PROHIBITED CLASSIFICATIONS FOR RESIDENTIAL AND NONRESIDENTIAL FACILITIES FOR POPULATIONS REQUIRING SPECIAL CARE AND/OR SUPERVISION; AMENDING SECTION 12-34 ENTITLED, "DETAILED USE REGULATIONS," SUBSECTION (E), "CHILD CARE, DAY NURSERY, DAY CARE FACILITIES" TO PROVIDE FOR ADULT DAY CARE FACILITIES; TO DELETE SUBSECTION (Z), "SPECIAL RESIDENTIAL FACILITIES" IN ITS ENTIRETY, AND CREATE A NEW SUBSECTION (Z), "SPECIAL RESIDENTIAL FACILITIES" TO PROVIDE DEFINITIONS FOR FACILITY TYPES, OCCUPANCY AND DENSITY STANDARDS, AND MINIMUM REQUIRED DISTANCE SEPARATIONS; AMENDING SECTION 12-503 ENTITLED, "DEFINITIONS," TO ELIMINATE CERTAIN DEFINITIONS RELATING TO SPECIAL RESIDENTIAL FACILITIES AND CREATE NEW DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 1, 1998)

This item was withdrawn.

THIS ITEM WAS WITHDRAWN AT THE JANUARY 6, 1999 MEETING

9.8 VACATING UTILITY EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN TRACT "A" OF THE WEST PARK - WEST PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-1-98, 14450 State Road) (tabled from December 1, 1998)

This item was tabled earlier in the meeting.

STAFF REQUESTING A TABLED TO FEBRUARY 3, 1999

9.9 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG (AGRICULTURE DISTRICT) TO BP (BUSINESS PARK DISTRICT); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-98, 3550 Weston Road) (tabled from December 16, 1998)

This item was tabled earlier in the meeting.

STAFF REQUESTING A TABLED TO FEBRUARY 17, 1999

9.10 VACATION/ABANDONMENT - VA 7-1-98, Pasadena at Imagination Farms, Inc., 13601 Orange Drive (tabled from December 16, 1998) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report and the petitioner's voluntary agreement to allow a 10 foot wide bridle path adjacent to the pole line*

This item was tabled earlier in the meeting.

THIS ITEM WAS TABLED BY THE LOCAL PLANNING AGENCY AT THE REQUEST OF THE PETITIONER TO JANUARY 27, 1999; COUNCIL CAN TABLE TO FEBRUARY 3, 1999

9.11 LAND USE PLAN AMENDMENT - LABC 99-3A, Caesar/list of property owners on file in Town Clerk's Office, north side of Stirling Road, east side of SW 82nd Avenue, south side of Griffin Road and west side of University Drive (from Residential (3 du/ac), Residential (5 du/ac) and Community Facility to Residential (10

du/ac)) (tabled from January 6, 1999)
This item was tabled earlier in the meeting.

THIS ITEM WAS WITHDRAWN BY STAFF

9.12 REZONING - ZB 7-4-98, Conquistador Apartments, 7400 Stirling Road (from RM-16 to RM-22) (tabled from December 16, 1998)
This item was withdrawn.

Mayor Venis closed the public hearing portion of the meeting.

10. APPOINTMENTS

10.1 Education, Research and Training Authority (term expires September 30, 1999; appointment needs to be a citizen of the Town and should have an interest in promoting the education complex)

Mr. Webber advised that he had received a call regarding the status of this Authority and asked that the appointment be tabled until he was able to look into this issue.

Councilmember Weiner indicated that he had received a letter from Irv Rosenbaum who was interested in the appointment; however, Dr. Rosenbaum was not a resident of the Town. He questioned if the appointment had to be a Town resident with Mr. Webber responding in the affirmative.

10.2 Davie Water Advisory Board (Mayor Venis - two exclusive appointments; Vice-Mayor Cox - one exclusive appointment; Councilmember Bush one exclusive appointment; insofar as possible, one member of the Board shall be a licensed engineer; term of January to December 1999)

The appointments were deferred to the next meeting.

12. OLD BUSINESS

There was no old business to be discussed.

13. NEW BUSINESS

13.1 Establishment of a Charter Review Board

Councilmember Paul indicated that there were some issues that need to be addressed and Council might want to consider establishing a Board. As there was no rush, she suggested holding a workshop to discuss any concerns or questions with placing issues on a future ballot, possibly March 2000 which would provide ample time to meet the 120 day requirement pursuant to the Charter. Councilmember Paul added that a workshop would allow the residents to voice their opinion if a Board should be established and what specifically the Board would be reviewing.

Councilmember Bush stated that a Board was appointed two years ago and it was discussed at that time that a Charter Review Board be establishing every five years. He indicated that what was eventually passed, was that a Board be established by April 2004 and at least every seven years thereafter. Councilmember Bush advised that he did not think the issue of strong mayor, term limits and single member districting should be discussed as these issues had already been discussed by the Board.

Councilmember Paul made a motion to have a workshop on the whole issue of whether there should be a Charter Review Board or whether Council should work just within the Council discussion. Vice-Mayor Cox questioned what would be discussed at a workshop. Councilmember Paul stated that issues that she had been called on regarded bids and insurance issues. Vice-Mayor Cox indicated that she thought these items had been determined with the last Board which had done a comprehensive job. If a workshop was held, she said that she did not want to "rehash" what the Board had already discussed but to discuss new issues. Vice-Mayor Cox suggested that a list of issues be prepared for Council to discuss and whether this issues should be a Charter or ordinance issue. Mayor Venis suggested that Councilmember Paul prepare a list for Council to review at the next meeting.

Councilmember Weiner stated that Council would have time to review the list because there was no deadline.

Mayor Venis indicated that the list did not have to be brought back at the next Council meeting and added that there was no pressure. Vice-Mayor Cox stated that she did not want to be in a situation where "we drift around" and then not provide enough time for the public to digest the issues. Councilmember Paul advised that she was trying to complete the first and second reading of the ordinance by Christmas 1999 to allow enough time for discussion.

Councilmember Weiner indicated that he would like the Board to consider changing the composition of the Board to provide that each Councilmember appoint one representative and then five at large who would submit their name and then be chosen by random. He indicated that this would remove the appearance of "people that were appointed by the Council, they put who they wanted on the Charter Review Board".

Councilmember Paul withdrew her motion.

13.2 Youth Advisory Board

Vice-Mayor Cox stated that this Board was an effort to try to involve the Town's youth in the planning and design of the multi-purpose facility at the Pine Island Community Center. She said that a meeting was held with representatives from the Broward County School Board who had been asked to appoint a student from each school from each grade, 6th and up. Vice-Mayor Cox indicated that the private schools still needed to be contacted and depending on how well this Board functioned, Council may want to consider making this a permanent advisory board. She advised that Mr. Webber had indicated that this Board would be subject to the Sunshine Law and other aspects similar to what Council had to contend with. Vice-Mayor Cox stated that she thought this would be a good lesson in government and indicated that it was possible that the students would receive community service credits by being involved. She indicated that students who were in the audience could also provide input. Councilmember Weiner suggested that this Board not be a formal board, such as the Agrarian Committee, so that the Town would not have to worry about any type of Sunshine issue or providing a clerk or staff. Vice-Mayor Cox stated that this Board would be making recommendations to Council or the Parks and Recreation Advisory Board. Mr. Webber indicated that if this Board was created by Council, the Board would be subject to the Sunshine Law. He stated that if the Board was "done on its own", it would not be subject to the Law but could still make recommendations to Council. Mayor Venis agreed with the suggestion to create a Board similar to the Agrarian Committee. Councilmember Bush added that the Town should monitor the Board as Council would be interested in the information. Vice-Mayor Cox stated that she thought that staff needed to be involved and she was interested in sitting in on the discussions.

Councilmember Paul stated that she thought making the Board permanent was a great idea to provide input on all teen activities and recommended that the principals of schools where Town residents attended be contacted. She questioned if the members were to be Town residents with Vice-Mayor Cox responding in the affirmative. Vice-Mayor Cox stated that at the outset, she would prefer a "loosy goosy" committee to obtain information and questioned if this could be accomplished by the Town Administrator or the Community Services Department. Mr. Webber indicated that this could be done as long as it was not created by Council and added that he could assist and guide the Board to make certain the Town "did not run afoul". Vice-Mayor Cox suggested that Community Services set up the Board and deal with the School Board and if the Board was successful, Council could create a structured board at a later time.

Councilmember Weiner stated that he was concerned that a Town official would "comprise" a board to make recommendations would be subject to the Sunshine Law. Mr. Webber indicated that he would have to review the Sunshine Laws guidelines. Mayor Venis suggested that Mr. Webber review the structure of the Agrarian Committee.

Vice-Mayor Cox indicated that no official action needed to be taken and she asked Ms. Pierce-Kent to create this Board. Mr. Webber indicated that he would provide assistance as the Town did not want too much involvement.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:04 p.m.

